IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 433 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STANDARD CHARTERED BANK

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Revision Application No. 433 of 2004

MR CR ABICHANDANI for Petitioner No. 1

MR PD Bhate APP for Respondent No. 1

MR MUKESH PATEL FOR MR DEEPAK P SANCHELA for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 25/10/2004

ORAL JUDGEMENT

1. Heard Mr.C.R.Abichandani, learned advocate for

the petitioner, Mr.P.D.Bhate, learned APP for the respondent No.1 - State and Mr.Mukesh Patel, learned advocate on behalf of Mr.Deepak P. Sanchela, learned advocate for the respondent No.2.

2. This Criminal Revision Application is filed against an order passed by the learned J.M.F.C., Gandhinagar on 19.06.2004 below Ex.3, in Misc. Criminal Application No.39 of 2004 filed in C.R.No.I-68 of 2004 by the respondent No.2, for obtaining the possession of vehicle Maruti Standard Uro-2 bearing Registration No.GJ-18/AA-1714 seized by the Police in the said Crime.

3. Both the learned advocates state that the application filed by the present petitioner, for having custody of the said muddamal car, is pending with learned J.M.F.C., Gandhinagar and still to be heard. In the meantime, the present petitioner being Financiar and present respondent No.2 being Owner of the vehicle have come to mutual understanding about the custody and accounts of the vehicle and the same is required to be agitated and contended before the learned J.M.F.C., Gandhinagar, where an application filed by the Financiar, for the custody of the vehicle, is pending. It was submitted by the learned advocates for the parties that after setting aside an order impugned in this Revision Application, passed below Ex.3 in Misc. Criminal Application No.39 of 2004 filed by the present respondent No.2, the said Misc. Criminal Application No.39 of 2004 filed by respondent No.2 is required to be remanded to the learned J.M.F.C., Gandhinagar to be decided alongwith an application filed by the present petitioner, for the custody of the said vehicle.

4. In view of the above, the order in impugned in this Criminal Revision Application is set aside with a direction that Misc. Criminal Application No.39 of 2004 filed in C.R.No.I-68 of 2004 by the present respondent No.2 be decided afresh in light of the settlement arrived at between the parties along with an application filed by the Financiar of the vehicle i.e. present petitioner, being Misc. Criminal Application No.29 of 2004, and which is pending before the learned J.M.F.C., Gandhinagar for decision in the said C.R.No.I-68 of 2004.

5. With the aforesaid direction and observation, this Criminal Revision Application is disposed of. Rule is made absolute, to the aforesaid extent. Direct service is permitted.

[J. R. Vora, J.]

(vijay)